

**REMARKS**

Applicant has herewith filed a Request for Continued Examination and has withdrawn the appeal from Examiner's final rejection of claims 7-9, dated 3/23/2004.

Claim 7 has been amended so as clarify that the  $\alpha$ 2,8/2,9 polysialyltransferase of Step A is of a "released" type, i.e., it has been released into an aqueous phase. Support for this amendment is found in the Specification at page 4, lines 21-30 and in Figures 2A and 2B. Claim 7 has also been amended so as to remove the qualification that the  $\alpha$ 2,8/2,9 polysialyltransferase is from *Escherichia coli* K92. This qualification has now been moved to new Claim 10. Claim 7 has also been amended so as to remove the second step, i.e., Step B, directed to the removal of the released CMP with alkaline phosphatase. Step B has now been moved to new Claim 11.

Rejection under 35 U.S.C. 103(a):

Claims 7 and 8 have been rejected under 35 U.S.C. 102(b), as being patentably obvious under 35 U.S.C. 103(a) over Steenbergen et al., (J. Bacteriol.1992, vol. 174(4): 1099-1108) or Vann, (FEMS Microbiology Lett., 1995, vol. 128(2): 163-166) in view of Van Dijk et al., (Analytical Biochem., 1981, vol. 117(2): 346-353). This basis of rejection is obviated by Applicant's amendments. None of the cited references disclose "released"  $\alpha$ 2,8/2,9 polysialyltransferase of a type that has been released into an aqueous phase.

Summary:

Applicant's amendments have rendered claim 7 patentably unobvious over the cited prior art. Allowance of claims 7-11 is respectfully requested.

Respectfully submitted,



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June 6, 2005  
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